

Members

Rep. Terri Austin, Chairperson
Rep. Dennie Oxley
Rep. Sandra Blanton
Rep. Phil Hinkle
Rep. Cleo Duncan
Rep. Douglas Gutwein
Sen. Travis Holdman, Vice-Chairperson
Sen. Thomas Wyss
Sen. Scott Schneider
Sen. Karen Tallian
Sen. Timothy Skinner
Sen. Greg Taylor



INTERIM STUDY COMMITTEE ON DRIVER EDUCATION

LSA Staff:

Susan Montgomery, Attorney for the Committee
James Sperlik, Attorney for the Committee

Authority: P.L. 101-2009

Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 233-0696 Fax: (317) 232-2554

MEETING MINUTES¹

Meeting Date: September 24, 2009
Meeting Time: 9:00 A.M.
Meeting Place: State House, 200 W. Washington
St., Room 233
Meeting City: Indianapolis, Indiana
Meeting Number: 1

Members Present: Rep. Terri Austin, Chairperson; Rep. Dennie Oxley; Rep. Sandra Blanton; Rep. Phil Hinkle; Rep. Douglas Gutwein; Sen. Travis Holdman, Vice-Chairperson; Sen. Scott Schneider.

Members Absent: Rep. Cleo Duncan; Sen. Thomas Wyss; Sen. Karen Tallian; Sen. Timothy Skinner; Sen. Greg Taylor.

Chairperson Austin called the meeting to order at 9:12 a.m. The Committee introduced themselves. The staff attorney for the Committee reviewed pertinent portions of Legislative Council Resolution 09-02 and read SECTION 21 of P.L. 102-2009 (SB 16) concerning the creation of and charges to the Committee.

Rep. Woody Burton gave the Committee copies of IC 5-2-6.5-9(d), pertaining to the rules to be adopted by the Indiana Criminal Justice Institute (ICJI) concerning commercial driver training schools (Exhibit A). He voiced concerns that commercial driver training schools have more controls on their operation than those run by public schools (Exhibit B),

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

including the denial of the use of virtual training for the students. He seeks consistency with rules and guidelines between the two means of instruction, and furnished Exhibit C setting forth recent legislation concerning driver education in surrounding states. Rep. Hinkle said that there may not need to be a state complaint (telephone) line for driver education instruction given by public schools (Exhibit B), since there already is a chain of complaint from teacher to school board to the Indiana Department of Education (IDOE). Senator Holdman would like it to be determined what department might be better suited to regulate commercial driver training schools, as the ICJI is not set up to be a regulatory agency.

Michael LaRocco, Program Coordinator, Motorcycle/Driver's Education, IDOE, furnished the Committee with a folder with five documents concerning driver education training (Exhibit D). IDOE would like to see a standard curriculum between public and private driver education schools. However, IDOE also is not a regulatory agency. Responding to Rep. Hinkle, Mr. LaRocco stated that a driver education instructor in a public school must have a teaching degree and an additional nine credit hours in driver education; a commercial school instructor needs 60 hours of college credits and the additional nine credit hours. Sen. Holdman is concerned about safeguards guaranteeing that the same individual registered for the on-line course would be the one actually sitting in front of the computer. Chairperson Austin would like IDOE to report to the Committee about the oversight that the agency has over other types of on-line testing. She also wondered what approval a school district needs from IDOE if it would like to start a driver education class; Mr. LaRocco responded that the school district needs a certified teacher and would need an approval from IDOE to waive a student from the driving test at a Bureau of Motor Vehicles examination. He will check to see if an emergency license may be granted to teach driver education without the required nine credit hours. Senator Holdman would like to know what the various school districts are charging for driver education instruction.

Dr. T. Neil Moore, Executive Director of the ICJI, pointed out that the administrative rules for commercial driver training schools appear in 205 IAC 3-1. About \$17,200 is collected from various licensing fees related to these schools, and ICJI has budgeted \$80,000 to fulfill its responsibility to oversee these schools. As shown in Exhibit E, the ICJI is attempting to set standards for on-line driver education instruction. Exhibit F, from Dr. Moore, shows a quick overview of on-line driver education across the country.

Karen Burkhardt, of Burkhardt's Driver Education Inc., is the president of the Indiana Driving Schools Association. Her association has members who charge an average of \$368 tuition for a program, ranging from \$260 to \$475. She voiced concerns that commercial programs have a classroom hour of exactly 60 minutes, with no time for breaks, and the cars used can be no more than 5 years old. There is a requirement of an extra rearview mirror and substitute teachers must have the driver education endorsement requirement; these specifications are not required of public school programs. Further, on-line instruction is not available to students at a commercial school. Ms. Burkhardt seeks parity between the two types of programs, and urged that course content, course delivery system, and monitoring and recording system be reviewed for on-line instruction. She reminded the Committee that driver education is more than just novice drivers; there are seniors who take remedial instruction after encountering a changing world and international students who need to acquire an Indiana license. She urged the establishment of a Driver Education Commission as an administrative, not an advisory, commission. In response to Senator Holdman, she confirmed that some school districts contract with private driver education schools for their students. (Her talking points are attached as Exhibit G.)

The Committee requested the following information for the next meeting:

(1) A list of the members of the Indiana Driving Schools Association, a list of costs for the private driver education schools, and the number of school districts that are contracting with private driver education schools for their students, to be supplied by Karen Burkhardt.

(2) A matrix of which agency (ICJI, IDOE, or the Bureau of Motor Vehicles) is responsible statutorily for the topics that have been discussed during this meeting and copies of the IDOE and ICJI administrative rules concerning driver education schools, to be furnished by the attorney for the Committee.

(3) A demonstration of the Internet component of driver education training to verify that it is actually the student who is engaged in the training, to be supplied by Tom Pagan of the Central Indiana Educational Service Center.

(4) Information concerning the various monetary waivers for the cost of public driver education that might be available to a student within the public school system, to be furnished by the IDOE.

(5) Information concerning the disparity between the allowable ages of the motor vehicles used for driver education training, from IDOE and ICJI.

After discussion, the time for the October 12, 2009 meeting of the Committee was changed to 10 a.m. in Room 404 of the State House.

There being no more business before the Committee, Chairperson Austin adjourned the meeting at 10:40 a.m.